

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RORY M. PLANQUE,
Plaintiff,
v.
SEATTLE POLICE DEPARTMENT et al.,
Defendants.

CASE NO. 2:24-cv-00347-TL

ORDER ON MOTION FOR EXTENSION OF TIME

This matter comes before the Court on *pro se* Plaintiff Rory M. Planque's Motion for an extension of time to file a Second Amended Complaint. Dkt. No. 11. Having considered the motion and reviewed the record, the Court GRANTS Plaintiff's motion.

I. BACKGROUND

On March 20, 2024, Plaintiff, proceeding *in forma pauperis*, filed his original Complaint. Dkt. No. 4. On April 10, 2024, after reviewing the Complaint, the Court dismissed it without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6), finding that while Plaintiff had given a “narrative recounting of the events that appear to form the factual bases for his lawsuit,” he had “fail[ed] to provide a short and plain statement of the grounds for the court’s

1 jurisdiction . . . [or] a demand for the relief sought.” Dkt. No. 6 at 2 (quoting Fed. R. Civ. P.
 2 8(a)(1), (3)). The Court granted Plaintiff leave to file an amended complaint no later than May
 3 10, 2024. *Id.* at 3.

4 On May 7, 2024, Plaintiff filed an Amended Complaint. Dkt. No. 7. But on May 17,
 5 2024, the Court dismissed it without prejudice pursuant to Rule 12(b)(6), noting that Plaintiff had
 6 again “fail[ed] to assert a plausible claim from which federal question jurisdiction arises.” Dkt.
 7 No. 9 at 3. Based on the content of the Amended Complaint, the Court expressed skepticism as
 8 to whether Plaintiff’s claims were appropriate for federal court, but it granted Plaintiff leave to
 9 file a second amended complaint no later than June 21, 2024. *Id.* at 4.

10 On June 21, 2024, Plaintiff filed a motion to request an extension of the deadline to file a
 11 second amended complaint. Dkt. No. 10. Among other things, Plaintiff advised the Court that on
 12 June 6, 2024, he had “received new discovery in the mail from Seattle Police Department / City
 13 of Seattle FAS,” which “demand[ed] much review which will take time.” *Id.* at 1. Plaintiff
 14 asserted further that he had made a request for records and body-worn video footage from Seattle
 15 Police Department, but that the agency had informed him that it would take “at least
 16 approximately two more months” to fulfill the request. *Id.* at 1–2. In a Minute Entry dated July 3,
 17 2024, the Court granted Plaintiff’s motion and extended his filing deadline to October 21, 2024.

18 On October 17, 2024, Plaintiff filed the instant motion. Dkt. No. 11.

19 II. DISCUSSION

20 In his Motion, Plaintiff advised that the Seattle Police Department had informed him that
 21 his “next (if not final) installment of surveillance and/or body worn evidence” would not be
 22 made available to him until on or after November 15, 2024. Dkt. No. 11 at 1. Plaintiff stated
 23 further that he was not sure whether he would receive all of his requested information by that
 24 date, or merely an additional portion thereof. *Id.* at 2. Based on the record, it is not clear when

1 Plaintiff first made his records request with Seattle Police Department. But the the events
2 forming the basis for Plaintiff's Complaint appear to have taken place in 2018. *See, e.g.*, Dkt.
3 No. 7 at 13. Given that it has been more than six years between then and now, the Court notes
4 that Plaintiff could have made his records requests—and received and reviewed what he had
5 sought—before filing his complaint in federal court. In light of this, the Court will provide
6 Plaintiff with one last extension. Plaintiff must file a second amended complaint no later than
7 January 31, 2025.

8 **III. CONCLUSION**

9 Plaintiff's motion to extend the deadline to file a second amended complaint (Dkt. No.
10 11) is GRANTED. Plaintiff SHALL file his Second Amended Complaint **no later than January 31,**
11 **2025.**

12
13 Dated this 31st day of October 2024.

14
15 
16 Tana Lin
17 United States District Judge
18
19
20
21
22
23
24